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OFFICE OF PETITIONS

In re Application of :
Carpenter et al. :
Application No. 09/805,620 : DECISION ON PETITION
Filed: March 13, 2001 :
Attorney Docket No.: MI22- :
1563 :

This is a decision on the Petition to the Commissioner Under the Authority of 37 CFR 1.181, filed August 28, 2003 to re-mail the Notice to File Corrected Application Papers, which is properly treated as a petition to withdraw the holding of abandonment.

The petition is granted.

Petitioner avers non-receipt of the Notice to File Corrected Application Papers (hereinafter "Notice"), putatively mailed on January 28, 2002. In support, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.


Moreover, a review of the application file has located the Notice.

The mailing of this Decision precedes the mailing of a Notice of Abandonment. No fee has been charged and none is due.

A copy of the January 28, 2002 Notice is enclosed herewith.

The application file is being returned to the Office of Initial Patent Examination for re-mailing the Notice to File Corrected Application Papers and for resetting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions

Enclosure: Notice to File Corrected Application Papers